

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jun 21, 2021

SEAN F. MCAVOY, CLERK

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Harley Davidson Roger

Case Number: 0980 4:19CR06003-SMJ-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Date of Original Sentence: January 9, 2020

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922 and 924(a)(2)

Original Sentence: Prison - 24 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Michael D. Murphy

Date Supervision Commenced: November 6, 2020

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: November 5, 2023

PETITIONING THE COURT

To incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on 02/09/2021, 03/10/2021 and 05/13/2021.

The probation officer believes that the offender has violated the following condition of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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6	<u>Special Condition #6:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Harley Davidson Roger is considered to be in violation of his conditions of supervised release by using a controlled substance, methamphetamine, on or about June 3, 2021.

On November 9, 2020, Mr. Roger signed his Judgment in a criminal case stating he understood he was not to use controlled substances.

On June 3, 2021, Mr. Roger reported to Merit Resource Services (Merit) for a random drug test. The sample returned presumptive positive for the presence of methamphetamine. The sample was forwarded to Abbott/Alere Toxicology Services, for confirmation. On June 19, 2021, the sample was confirmed positive for the presence of methamphetamine.

Re: Roger, Harley Davidson

June 21, 2021

Page 2

7

Special Condition #6: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Harley Davidson Roger is considered to be in violation of his conditions of supervised release by using a controlled substance, methamphetamine, on or about June 16, 2021.

On November 9, 2020, Mr. Roger signed his Judgment in a criminal case stating he understood he was not to use controlled substances.

On June 17, 2021, telephone contact was made with Mr. Roger. During the conversation, Mr. Roger admitted he had provided a random drug test on June 16, 2021, at Merit which returned presumptive positive for methamphetamine. He admitted he had once again used methamphetamine. Mr. Roger stated he had been stressed about his upcoming hearing on June 24, 2021, knowing he already had an additional violation for using methamphetamine. The additional use he was referencing is contained within violation 6, noted above.

Mr. Roger stated he became so stressed knowing he relapsed a second time that he left his chemical dependency treatment class on June 16, 2021, halfway through the session.

Merit provided a status report on June 17, 2021, stating Mr. Roger admitted to using methamphetamine on June 15, 2021. The report noted Mr. Roger did not return to the treatment session after the midpoint break.

The U.S. Probation Office respectfully recommends the Court incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 21, 2021

s/David L. McCary

David L. McCary
U.S. Probation Officer

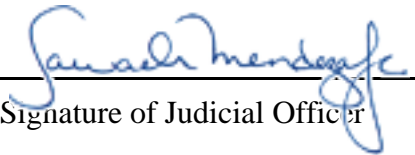
Re: Roger, Harley Davidson

June 21, 2021

Page 3

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other


Signature of Judicial Officer

06/21/2021

Date